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ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

File Symington, Governor Edward Z. Fox, Director

January 7, 1992

Colonel Robert L. VanAntwerp, District Engineer
U.S. Army Corps of Engineers
Los Angeles District
300 N. Los Angeles Street
Los Angeles, CA 90012

Mr. Dan McGovern, Regional Administrator
U.S. Environmental Protection Agency
Region IX
75 Hawthorne Street
San Francisco, CA 94105

Dear Gentlemen:

I am writing to express my serious concerns over the increasing risks to public health and the environment caused by the Salt River Pima-Maricopa Indian Community Tri-City Landfill. Due to the abundant rainfall over the past weeks, the Salt River is flowing at increased levels and I understand that the flows are anticipated to continue increasing rapidly over the next several days.

As you will remember, approximately a year ago such flows caused significant amounts of debris to be released into the River. It was believed that the debris was coming from the Tri-City Landfill. As a result, emergency actions were taken to stabilize the banks in an effort to prevent future releases. After the initial emergency actions, a commitment was made by the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency (EPA), the Salt River Pima-Maricopa Indian Tribe, the Cities of Mesa, Scottsdale, Tempe and this Department to coordinate within our jurisdictions to implement specific actions correcting the Landfill's violations under federal law. However, due to limits on the state's jurisdiction on tribal lands, corrective actions must be taken by the Tribe at the direction of the federal regulatory agencies, the Corps of Engineers and EPA.

I am deeply concerned that further regulatory action has not been taken to reduce the Landfill's imminent threat to waters of the United States and Arizona's environment. In addition to correcting the violations at the Landfill, a proper closure plan must be submitted for approval and a new landfill site must be selected outside of a one-hundred year floodplain. This environmental

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threat is at least ten years old and further delay cannot be accepted. As Director of the Arizona Department of Environmental Quality, I am obligated at this time to explore the state's legal options to expedite actions to bring the Tri-City Landfill into compliance.

I hope that we can continue to cooperate in the best interests of all Arizona's citizens and the environment to address the significant problems at Tri-City Landfill as soon as possible.

Sincerely,



Edward Z. Fox, Director

cc: Governor Fife Symington
President Ivan Makil
Mayor Herb Drinkwater
Mayor Willie Wong
Mayor Harry Mitchell